



ECONOMIC DEVELOPMENT, NEIGHBORHOODS, AND STRATEGIC PLANNING DEPARTMENT

M E M O R A N D U M

DATE: February 7, 2008

TO: Ray Giometti, Chair
Renton Planning Commission

FROM: Erika Conkling, Senior Planner

SUBJECT: **2007 Docket- Helipads**

In response to the proposed docket item that would amend the zoning code to allow helipads in the R-8 zone for properties fronting Lake Washington, staff and the Planning Commission received a variety of comments. The overwhelming majority of these comments were positive and in favor of allowing helipads, but a few expressed concerns to be considered. This memo addresses the comments of concern.

Some of the concerns are related to the environmental review of the proposal. Environmental review in the City of Renton is conducted by the City Environmental Review Committee (ERC). On February 4, 2008, the ERC met and issued a Determination of Non-Significance (DNS), which means that the ERC did not anticipate any significant or adverse impacts from the proposed code amendment. A copy of the ERC's report is attached to this memo.

At its last meeting, the Planning Commission was presented with a copy of Issaquah's regulations for heliports. Issaquah lists 15 criteria for the approval of heliports. The first caution in reviewing these regulations is that they apply to the operation of heliports as commercial uses. In the proposed code amendment, Renton would not allow the operation of a commercial heliport in the R-8 zone; the use would be limited to that which was accessory to the primary, residential use and commercial operations would be prohibited. However, review of Issaquah's code provides a useful structure for responding to a variety of public comments about this proposal.

The majority of the criteria in the Issaquah code merely repeat the FAA requirements, including the regulation of flight paths and approaches and construction specifications for the landing site (criteria B, C, D, F, G, H, I, J, K, L, M, N, and O). Proposed code language confirms that FAA requirements must be met for helipads along Lake Washington. It is completely unnecessary to repeat the requirements from the FAA. Furthermore, the City of Renton only has jurisdiction over land use, so the City cannot control where or how aircraft fly, only where they land. It is not legal for Renton to

specify flight paths or make them conditions of a permit because it is not within the City's jurisdiction.

It is also unnecessary to repeat provisions from the Renton Municipal Code (RMC). Issaquah's criteria to minimize noise and disruption (criteria A, B, and E) are already provided for by Renton's criteria for approval of conditional use permits under RMC 4-9-030. Decision criteria for conditional uses include a review of the effects on adjacent properties and an evaluation of noise and glare. Additionally, a number of restrictions and conditions can be attached to conditional use permits that provide reasonable operational limits, including hours of operation and participation in a voluntary noise reduction program as called out in Issaquah's regulations. RMC 8-7 regulates and limits noise to state established limits. Anticipated noise above state limits should be addressed and mitigated for during project specific environmental review and conditional use permit approval.

Conditional use permits are a flexible and effective regulatory tool. Permits could contain renewal provisions based on any number of circumstances including change in ownership, substitution of aircraft, or discontinuance of the use over a period of time. Leaving these provisions open in the code allows for maximum flexibility for the reviewing official to respond to the specific citizen concerns on each project. Yet, the power to establish reasonable conditions is well established. Conditional uses can also be revoked if conditions are not being met. Renton uses code compliance officers to address non-compliance with conditional use permits. If an operator does not abide by the terms of the permit, the permit can ultimately be revoked.

There was question of whether or not an administrative conditional use process was appropriate. Staff would support a Hearing Examiner conditional use process, if the Planning Commission wished to modify the proposal. A Hearing Examiner conditional use process provides a slightly larger opportunity for public involvement. Also, since a Hearing Examiner process is required for helipad uses in commercial and industrial districts, this proposed change would be consistent with the process used elsewhere in the City.

More than one citizen asked both of the following questions: Why not use the airport? and Why not allow helipads in any area the FAA would approve a helipad site? Renton could encourage either option, but the proposed amendment makes the most sense. Aircraft uses, in the form of seaplanes, are part of the neighborhood character for properties on Lake Washington. There are few reasons why a helicopter could not substitute for a seaplane, and any concerns can be addressed in project specific review. Seaplanes are allowed without any regulation or conditions at all. It also would not be consistent with Renton policy to allow helipads in neighborhoods where aircraft is not already a customary use. As a result, allowing helipads on residential properties along Lake Washington is an appropriate expansion of a customary use.

Attachment: Environmental Review Committee Report, February 4, 2008